



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

October , 2004

CERTIFIED MAIL
7000 1670 0000 0585 8650
RETURN RECEIPT REQUESTED

NOTICE OF PAST VIOLATION

Smiths Medical ASD, Inc.
10 Bowman Dr.
Keene, NH 03431

Attn: Tom Westra, Vice President of Finance

Re: Smiths Medical ASD, Inc.
Keene, New Hampshire
EPA ID # NHD500022512

Dear Mr. Westra:

On September 13, 2004, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of Smiths Medical ASD, Inc. ("Smiths") in Keene, NH. The purpose of the inspection was to determine Smiths' compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

Env-Wm 509.02(a)(2) – Personnel Training

A review of Smiths' personnel training program revealed that the training plan did not include a list of hazardous waste job titles, job descriptions, and names of employees filling each position.

Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program. This includes, but is not limited to, ensuring that specific documents and records related to personnel training are maintained at the facility.

DES requested that Smiths maintain a complete written personnel training program which documents hazardous waste job titles, job descriptions, names of employees filling each position, and a description of the type and amount of introductory and continuing training to be given to each person filling a position with hazardous waste management duties (refer to the enclosed FQG Module).

In a September 20, 2004 fax, Paul Weber, Safety Administrator, provided a copy of Smiths' personnel training program to DES. No further action is required.

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095
Telephone: (603) 271-2900 • Fax: (603) 271-2456 • TDD Access: Relay NH 1-800-735-2964
DES Web site: www.des.nh.gov

2. Env-Wm 509.02(a)(5) – Contingency Plan

A review of Smiths' contingency plan revealed deficiencies regarding the following:

- a. The names of the current emergency coordinators; and
- b. The home telephone numbers and home addresses of the emergency coordinators.

Env-Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requested that Smiths revise and update its contingency plan to correct any deficiencies as identified in the enclosed Contingency Plan Module and submit the revised plan or revised portions of the plan to the local police department, fire department, hospital, and state and local emergency response teams.

In the September 20, 2004 fax, Paul Weber provided an updated contingency plan to DES. No further action is required.

3. Env-Wm 509.02(b) Emergency Posting

At the time of the inspection, the emergency posting at the nearest telephone to the hazardous waste storage area failed to document the names and telephone numbers of the emergency coordinators and the location of fire extinguishers and spill control material.

Env-Wm 509.02(b) requires that full quantity generators shall post a list of the steps to take if an emergency occurs and the following emergency numbers and information at the nearest telephone to the hazardous waste storage area:

- a. The emergency coordinators (home and office);
- b. The fire department, police department, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services, unless the facility has a 24-hour response team designated to provide emergency services whose number is posted; and

The location of fire extinguishers and spill control material, and if present, fire and internal emergency alarms.

DES requested that Smiths post the required information at the nearest telephone to the hazardous waste storage area.

In the September 20, 2004 fax, Paul Weber provided an updated emergency posting to DES. No further action is required.

4. Env-Wm 807.06(b)(4) - Standards for Generators of Used Oil Being Recycled

At the time of the inspection, Smiths was storing four (4) 5-gallon containers of used oil destined for recycling, which were not labeled with the words "Used Oil for Recycle." See the attached Container Inventory ("Inventory").

Env-Wm 807.06(b)(4) requires that generators of used oil destined for recycling label their containers and tanks with the words "Used Oil for Recycle" at all times during accumulation and storage.

DES requested that Smiths label all containers of used oil destined for recycle with the words "Used Oil for Recycle" at all times during accumulation and storage.

In a September 20, 2004 email, Paul Weber stated that personnel had been instructed to transfer used oil into a properly labeled container immediately after it is generated. No further action is required.

5. Env-Wm 1102.03(c) – Universal Waste Lamp Management

At the time of the inspection, two (2) containers of universal waste lamps were not closed (see the attached Inventory).

Env-Wm 1102.03(c)(1) requires universal waste containers to be closed, except when universal waste is being added to or removed from the container.

DES requested that Smiths ensure that all containers of universal waste lamps are closed, except when universal waste is being added to or removed from the container.

In the September 20, 2004 email, Paul Weber stated that the universal waste lamp containers had been closed and a sign was posted to remind employees to keep the containers closed. No further action is required.

DES believes the deficiencies identified during the inspection have been corrected and acknowledges receipt of documents that corroborate the corrective measures taken by Smiths to achieve compliance. Accordingly, no further action in response to the listed deficiencies is required. However, DES personnel may re-inspect your facility at a later date to determine whether the facility is maintaining full compliance with the applicable rules. Fines may also be pursued for any or all violations observed during this or subsequent inspections of the facility.

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This report may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at (1-866) HAZ-WAST (in-state only) or (603) 271-2942.

If you believe that the deficiencies documented in this NOPV have been cited in error, or if you have any questions regarding this matter, please contact the lead inspector, Robert Bishop, or Tod Leedberg of the Hazardous Waste Compliance Section at 271-2942. Specific questions regarding water related issues may be directed to Stergios Spanos of DES's Water Division at 271-6637, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,



John J. Duclos, Supervisor
Hazardous Waste Compliance Section
Waste Management Division

cc: DB/RCRA/NOPV/Archives
Anthony P. Giunta, P.G., Director, WMD
Gretchen Hamel, Esq., Administrator, DES Legal Unit
Paul Weber, Smiths Medical ASD, Inc., 10 Bowman Dr., Keene, NH 03431
John Foley, Smiths Medical ASD, Inc., 10 Bowman Dr., Keene, NH 03431

E-mail: JJD/SD/SS/PM

Enclosure: Hazardous Waste Generator Inspection Report